

Bruce A. Rosenzweig, M.D.

Page 1

CAUSE NO. DC-14-04220

CAROL CAVNESS, * IN THE DISTRICT COURT
*
Plaintiff, *
*
vs. * 95th JUDICIAL DISTRICT
*
TERESA KOWALCZYK, M.D., *
BAYLOR HEALTHCARE SYSTEM, *
JOHNSON & JOHNSON and *
ETHICON, INC., * DALLAS COUNTY, TEXAS
*
Defendants. *

The oral deposition of BRUCE A. ROSENZWEIG, M.D., taken before Pauline M. Vargo, an Illinois Certified Shorthand Reporter, C.S.R. No. 84-1573, at the offices of Wexler Wallace, LLP, 55 West Monroe Street, Suite 3300, Chicago, Illinois, on July 13, 2015, commencing at 8:22 a.m.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph | 917.591.5672 fax
Deps@golkow.com

Golkow Technologies, Inc. - 1.877.370.DEPS

Bruce A. Rosenzweig, M.D.

Page 2

1 A P P E A R A N C E S

2 PRESENT ON BEHALF OF THE PLAINTIFF:

3 MATTHEWS & ASSOCIATES

2905 Sackett Street

4 Houston, Texas 77098

713.522.5250

5 BY: DAVID P. MATTHEWS, ESQ.

dmatthews@thematthewslawfirm.com

6

7 FREESE & GOSS, PLLC

3031 Allen Street, Suite 200

8 Dallas, Texas 75204

214.761.6610

9 BY: RICHARD FREESE, ESQ.

rich@freeseandgoss.com

10 TIMOTHY GOSS, ESQ (Via Teleconference)

tim@freeseandgoss.com

11

12 WAGSTAFF & CARTMELL

4740 Grand Avenue, Suite 300

13 Kansas City, Missouri 64112-225

816.701.1100

14 BY: NATE JONES, ESQ.

njones@wc1lp.com

15

16

PRESENT ON BEHALF OF DEFENDANTS

17 ETHICON, INC., and JOHNSON & JOHNSON:

18 BUTLER SNOW, LLP

One Federal Place, Suite 1000

19 1819 5th Avenue North

Birmingham, Alabama 35203

20 205.297.2215

BY: HELEN KATHRYN DOWNS, ESQ.

21 helenkathryn.downs@butlersnow.com

22

BUTLER SNOW, LLP

23 500 Office Center Drive

Fort Washington, Pennsylvania 19034

24 267.513.1885

BY: NILS B. (BURT) SNELL, ESQ.

25 burt.snell@butlersnow.com

Bruce A. Rosenzweig, M.D.

Page 3

1 PRESENT ON BEHALF OF DEFENDANT
2 TERESA KOWALCZYK, M.D.

3 THEIBAUD REMINGTON THORNTON BAILEY, LLP
4 Two Energy Square
5 4849 Greenville Avenue, Suite 1150
6 Dallas, Texas 75206
7 972.386.6664

8 BY: PHILIPA M. REMINGTON, ESQ.
9 premington@trtblaw.com
10 (Via Teleconference)

11 REPORTED BY:
12 PAULINE M. VARGO, RPR, CRR
13 Illinois CSR No. 84-1573.

14
15
16
17
18
19
20
21
22
23
24
25

Bruce A. Rosenzweig, M.D.

Page 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

Monday, July 13, 2015

WITNESS

EXAMINATION

BRUCE A. ROSENZWEIG, M.D.

By Mr. Snell.....Page 6
By Ms. Remington.....Page 261
By Mr. Freese.....Page 263

Afternoon Session Commenced.....Page 122

E X H I B I T S

ROSENZWEIG EXHIBIT

MARKED FOR ID

Exhibit 1 Cross Notice of Videotaped Oral 6
 Deposition of Dr. Bruce A.
 Rosenzweig and Duces Tecum
 10 Pages

Exhibit 2 "Testimonial History of Bruce 7
 Alan Rosenzweig, M.D., 2009 to
 Present"
 6 Pages

Exhibit 3 Thumb Drive Produced by 7
 Dr. Rosenzweig
 [Retained by Johnson &
 Johnson/Ethicon Counsel.
 Reference Page 264]

Bruce A. Rosenzweig, M.D.

Page 174

1 polypropylene as Gynemesh PS, right?

2 **A.** Yes.

3 **Q.** But there is a Monocryl filament that
4 dissolves over time?

5 **A.** Yes.

6 **Q.** Do you believe that Ultrapro is
7 defective?

8 **A.** We've had a very vibrant discussion in
9 the past about that Ultrapro is less stiff, less
10 dense, larger pore. There does not seem to be the
11 same consequence on tissue as with a stiffer,
12 heavier weight, smaller pore mesh.

13 I would like to see more data on
14 Ultrapro to determine if it has been engineered
15 down to a point where there is a low enough
16 stiffness, a large enough pore size, a low enough
17 weight that the risk/benefit ratio is acceptable.

18 **Q.** I guess my question is, do you believe
19 that Ultrapro is defective?

20 **A.** I have not opined on that.

21 **Q.** Do you opine that the Prolene
22 polypropylene is defective in that it can degrade
23 and it is cytotoxic?

24 **A.** It is my opinion that polypropylene
25 degrades, contracts, deforms, it is cytotoxic, yes.

Bruce A. Rosenzweig, M.D.

Page 195

1 that could influence these findings such that while
2 you may see something in a baboon you may not see
3 it in a woman?

4 A. That I can't answer.

5 Q. Relying on anything else other than the
6 Moalli baboon studies for your extrapolation
7 between cytotoxicity and erosions?

8 A. Well, the Moalli studies showed cell
9 death. Erosion is a consequence of cell death.

10 So, that's one of the few basic science
11 studies that we have that look at this in a -- on a
12 cellular level, if you will, to be able to
13 correlate a clinical finding with the basic science
14 mechanism, the cellular mechanism by which it is
15 happening.

16 Q. Are you aware of any studies that report
17 for Prosima or Gynemesh PS in women that
18 complications were deemed to be due to
19 cytotoxicity?

20 A. Not that I recall.

21 Q. When surgeons -- if there is -- strike
22 that.

23 When there is a wound complication with
24 a native tissue repair that's using a permanent
25 suture and let's say there is a suture erosion or a

Bruce A. Rosenzweig, M.D.

Page 196

1 suture granuloma, will surgeons opt to treat that
2 at times with estrogen cream?

3 A. That could be treated with estrogen
4 cream.

5 Q. I've seen in the literature where some
6 surgeons treat mesh exposures if they are small and
7 different factors involved with -- conservatively
8 with estrogen cream. I'm sure you have read that
9 too, right?

10 A. That is correct.

11 Q. What is it that the estrogen cream does,
12 whether it's a suture or the mesh, with regard to
13 the vaginal tissue?

14 A. Estrogen does several things. It
15 thickens the vaginal mucosa. It increases vaginal
16 blood flow. It improves collagen functioning. And
17 there is one other, but improving blood flow and
18 thickening the epithelium. So, the thought process
19 is as the epithelium thickens, it is going to move
20 over the area where the vagina has died, the
21 vaginal epithelium has died.

22 Q. Do you believe that the science and
23 literature is at a point where -- let me back up.

24 So, you mention different things like
25 cytotoxicity, stiffness, pore size. Is science in

Bruce A. Rosenzweig, M.D.

Page 197

1 a position that allows you to apportion or say for
2 a particular patient's mesh exposure which of those
3 factors it was due to?

4 **A.** Whether it was due to the stiffness,
5 whether it was due to mesh contraction, whether it
6 was due to mesh degradation, whether it was due to
7 infection, whether it was due to the cytotoxicity
8 of the mesh, science can look at those things.

9 Obviously the best way to know what is
10 going on with the mesh is by looking at the explant
11 and seeing what happened to that explant and then
12 associate it with what the findings were.

13 **Q.** So if you look at the explant and you
14 see apoptosis, then would you conclude that cell
15 death played a role?

16 **A.** Well, you are going -- the mesh -- if
17 you have tissue associated with the mesh, then you
18 would be able to look and see if you saw cell death
19 associated with that tissue on that mesh or you
20 would have to take tissue surrounding the mesh.

21 **Q.** So I take it you believe that the
22 Gynemesh PS also degrades, or do you not have that
23 opinion?

24 **A.** Yes, it degrades.

25 **Q.** Does the Prolene mesh in Ultrapro

Bruce A. Rosenzweig, M.D.

Page 198

1 degrade?

2 **A.** Yes.

3 **Q.** What is your analysis of the
4 benefit-to-risk profile with regard to the use of
5 Ultrapro for pelvic organ prolapse?

6 **A.** What is -- can you repeat that again?

7 **Q.** Sure. What is your analysis with regard
8 to the benefit-to-risk profile of using Ultrapro
9 for pelvic organ prolapse? Transvaginally; I'm not
10 talking abdominally.

11 **A.** Sure. I don't think that's complete. I
12 don't think we have enough information. I don't
13 think it has been studied long enough.

14 **Q.** Do you know to what degree the Prolene
15 mesh in Ultrapro degrades as compared to the amount
16 of degradation that occurs in your opinion to
17 Gynemesh PS?

18 **A.** We do know from several studies that
19 lighter weight mesh has been shown to have less
20 degradation than heavier weight mesh, but the
21 comparison directly with Gynemesh PS and Ultrapro,
22 there isn't enough information beside lighter
23 weight mesh degrades less than heavier weight mesh
24 or might degrade more slowly than heavier weight
25 mesh. Any more specific information I don't have.